

APPEAL NO. 031962  
FILED SEPTEMBER 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 24, 2003. The hearing officer resolved the disputed issue by deciding that the compensable injury of \_\_\_\_\_, does not extend to and include right carpal tunnel syndrome (CTS). The appellant (claimant) appealed, arguing that the determination is so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed as reformed.

It was undisputed that the carrier had accepted an injury to the claimant's neck, right shoulder, and right arm (exclusive of CTS). At issue was whether the compensable injury extended to include right CTS. The extent-of-injury issue presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The hearing officer was not persuaded that the claimant sustained his burden of proving that his compensable injury included the disputed condition and specifically found that there is no causal connection between the claimant's alleged right CTS and the compensable injury of \_\_\_\_\_. The hearing officer noted in his Statement of the Evidence that the claimant was not credible, noting that although he was a drummer, he was hesitant and vague in his testimony regarding this fact. The hearing officer was within his province as fact finder in assigning greater weight to the medical report of the peer review doctor, which he noted provided a realistic and credible analysis of the claimant's condition. The peer review doctor concluded that the diagnosis of CTS would not be related to the original injury. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We reform the decision portion of the decision and order to reflect the date of the compensable injury. The decision is reformed as follows: The compensable injury of \_\_\_\_\_, does not extend to and include right carpal tunnel syndrome.

We affirm the decision and order of the hearing officer as reformed.

The true corporate name of the insurance carrier is **NORTH AMERICAN SPECIALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Robert W. Potts  
Appeals Judge